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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,272	10/31/2003	Stefek Malkowski Zaba	200308879-2	7911

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EXAMINER

WALSH, DANIEL I

ART UNIT PAPER NUMBER

2876

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,272	Applicant(s) ZABA ET AL.	
	Examiner Daniel I. Walsh	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the Response of 7 February 2005.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 3, 5, 6, 7, 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berardi et al. (US 2004/0049451).

Re claim 1, Berardi et al. (US 2004/0049451) teaches a RFID card that is used to pay for items (abstract). The data in the memory is protected from access by an unauthorized reader, as a mutual authentication procedure is performed to authorize the reader (paragraph [0015]). As the memory is understood to be within the card device, it

is isolated to reduce tampering or to indicate when it has occurred. It is obvious the document allows access to assets of the bearer (credit/funds). Though Berardi et al. teaches a card, Berardi is silent to it being printed on and identifying an authorized bearer from the card. However, the Examiner notes that it is well known and conventional in the art to have printing on credit cards/smart cards/transaction cards, to provide identifying information to the user. Accordingly, such modification is well within the skill in the art to provide user information on the document/card.

Re claims 2-3, Berardi et al. teaches a card that is inductively powered and transmits at radio frequency (abstract and paragraph [0004]). The Examiner notes that inductively powering cards is well known and conventional in the art to reduce size, increase card life (not having to replace battery), reducing card cost, etc.

Re claim 5, as the antenna is within the card, it is understood to be configured to resist tampering. Additionally, as cards are understood to undergo stress, bending, flexing during normal usage/transport, the Examiner notes that it is obvious that the antennas are designed to resist such stress associated with everyday usage, and therefore resist tampering.

Re claim 8, the limitations have been discussed above. It is obvious that information is determined before it is printed and written.

Re claim 11, the Examiner notes that it is well known in the art that the information printed on a transaction card can be used to provide identification information, in addition to that data that is read off the card (name, account number, card type, etc.).

Re claim 12, the limitations have been discussed above re claim 8.

Allowable Subject Matter

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 9-10 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record teaches a card document that is protected from access by an unauthorized reader. While the prior art teaches tamper evident strips for detecting of tampering (US 5,055,913), the prior art teaches the memory circuits within the card, and therefore it would not be obvious to use the sticker means of the prior art (which go in top of a document) to detect tampering. Additionally, re claims 9-10, the prior art of record fails to teach that the second information and first information are used to assess the security document. The Examiner notes that it is well known to compare printed information on the card (picture, name) to the person presenting the card to verify that the card holder is the correct person, but the prior art is silent to using the printed information and the stored information to assess the document.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-8, and 11-12 have been considered but are moot in view of the new ground(s) of rejection.

8. The Examiner maintains that a card is a printed document. If the Applicant wishes to distinguish their claims from those relating to cards, the Examiner suggests that

such limitations be explicitly claimed to distinguish the current application from the prior art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Haghiri (US 5,055,913), Fujioka (US 6,480,869), Adams et al. (US 6,794,000), Teraura (US 2002/0170973), Adams et al. (US 2003/0031819), Lane et al. (US 2004/0100363), Kasser (US 2004/021821), Lane et al. (US 2004/0233040 and US 2005/0007236), Al Amri (US 2004/0173686), Teraura (US 6,827,279), Conwell et al. (US 2002/0135481), Phillips (US 5,762,378), Allen et al. (US 6,776,332), Bridgelall (US 6,672,512), Oberle et al. (US 2002/0087867), Atherton (US 2004/0066296), and Berardi et al. (US 2004/0118930).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

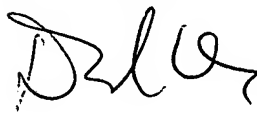
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh

Examiner

Art Unit 2876


Daniel I Walsh